

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

NOV 29 2010

Stephan Harris, Clerk
Cheyenne

G. David Shupe-Roderick, Plaintiff *pro se*
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FOR THE PLAINTIFF

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

GERALD DAVID SHUPE-RODERICK,)	
)	DOCKET NO. 2:2010-CV-<u>256-1</u>
Plaintiff,)	
)	
vs.)	
)	
STATE OF COLORADO; YKS ACCEPTANCE,)	
INC.; RONEY LAW FIRM; and JOHN AND)	
JANE DOES 1 THROUGH 10,)	
)	
Defendants.)	

CIVIL COMPLAINT

COMES NOW, Plaintiff Gerald David Shupe-Roderick (hereinafter "G. David Roderick"), *pro se*, and for his Complaint against the Defendants' states and alleges as follows:

Shupe-Roderick vs. State of Colorado, et al.

Civil Complaint

PARTIES AND JURISDICTION

1. Plaintiff, G. David Roderick is, and was so at all times relevant to this Complaint a resident of Laramie County, Wyoming.

2. Defendant, State of Colorado is, and was so at all times relevant to this Complaint a governmental body having jurisdiction over its' Court system, specifically the Court in Weld County, Colorado.

3. Defendant, YKS Acceptance, Inc. is, and was so at all times relevant to this Complaint a corporation conducting business in and around Greeley, Colorado.

4. Defendant, Roney Law Firm is, and was so at all times relevant to this Complaint a law firm conducting business in and around Greeley, Colorado.

5. Defendants, John and Jane Does 1 through 10, are employees of the State of Colorado, YKS Acceptance, Inc. and *Shupe-Roderick vs. State of Colorado, et al.*

Civil Complaint

Roney Law Firm and their identities are currently unknown to the Plaintiff. However, their identities will be discovered during the discovery process.

6. The amount in controversy exceeds the jurisdictional minimum of this Court and venue in the United States District Court for the District of Wyoming is proper because the acts or omissions that form the basis for Plaintiff's claims occurred entirely within this district.

BACKGROUND FACTS

7. Plaintiff, G. David Roderick (Plaintiff Roderick) was served a copy of a Writ of Continuing Garnishment on or about November 22, 2010 by his employer, Nor-Mar, Inc.

8. The Writ of Continuing Garnishment indicated that a hearing was held on November 01, 2010 concerning the matter and that a Judgment was entered against the Plaintiff in the amount of \$8,539.71 in favor of YKS Acceptance, Inc.

9. As a result of this alleged November 01, 2010 hearing, the Weld County, Colorado County Court entered a judgment on November 02, 2010 that indicated the Plaintiff was indebted to YKS Acceptance, Inc. in the amount of \$8,539.71.

10. The Plaintiff asserts that at no time was he given notice that a hearing was taking place on November 01, 2010 concerning case number CT-2010-07295.

11. The Defendants' unlawfully obtained, entered and executed a Judgment against the Plaintiff and issued a Writ of Garnishment based upon that unlawful Judgment.

12. The Plaintiff was not personally or otherwise served providing notice that the Defendants' YKS Acceptance and Roney Law Firm had commenced suit, even though an Affidavit of Service had been filed with the Court.

13. Defendants' withheld Plaintiff's wages on November 22, 2010 in the amount of \$483.24 unlawfully and they were not entitled to withhold said funds.

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Civil Complaint

COUNT 1: UNLAWFUL WITHHOLDING OF FUNDS

14. Defendant State of Colorado and its employees, agents and departments have issued a Judgment and a subsequent Writ of Garnishment unlawfully against the Plaintiff and have refused to release said Judgment and Garnishment, even after a written request to do so has been made to do so.

15. Plaintiff Shupe-Roderick owes no debts or liabilities to Defendants' State of Colorado, YKS Acceptance, Inc. or Roney Law Firm and the withholding of funds is unconstitutional and a violation of Federal consumer debt practices act.

16. Plaintiff Shupe-Roderick has a constitutional right to defend himself against any lawsuit or charges and the Defendants', collectively and individually denied him that right.

17. Defendants' committed fraud when they unlawfully entered a Judgment and a subsequent Writ of Restitution without

proper notice having been given to the Plaintiff that a suit had been commenced.

COUNT 2: WILLFUL AND MALICIOUS CONDUCT

18. Defendants' State of Colorado and its employees, agents and departments have been neglectful in handling the referenced civil action when they entered a Judgment and subsequent Writ of Continuing Garnishment without proper notice to the Plaintiff prior to said entry of those orders.

19. Plaintiff Roderick has been damaged by Defendants' conduct in that Court-ordered obligations and living expenses have not been satisfied as a result of this conduct.

WHEREFORE, the Plaintiff prays as follows:

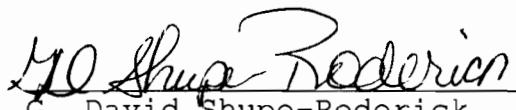
1. For judgment in favor of the Plaintiff G. David Shupe-Roderick in the amount of \$25,000.00 to compensate him for his personal injuries, and such other compensatory damages which the

Court or a jury may properly award in accordance with the evidence at the trial of this matter;

2. For punitive damages against the Defendants' in an amount sufficient to punish them for their malicious, willful and wanton conduct, to publicly condemn their actions and to serve as a warning and deterrent to others similarly situated, which such amount shall not be less than \$10,000.00; and

3. For Plaintiff's costs in bringing this action, including but not limited to, his reasonable attorneys fees, process of service fees, filing fees and such other and further relief as the Court may deem appropriate under the circumstances.

DATED this 26 day of November, 2010.



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